

# United States District Court

## EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

DAVID ALLEN MARTIN,

*Defendant.*

### CRIMINAL COMPLAINT

Case No. 22-MJ-220-KEW

I, Andrew Meiszberg, the undersigned complainant, state that the following is true to the best of my knowledge and belief.

Beginning on or about August of 2021, in the Eastern District of Oklahoma, **DAVID ALLEN MARTIN**, committed the crimes of Sexual Abuse of a Minor in violation of Title 18, United States Code, Section(s) 2241(c), 1151, & 1153.

I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the following facts:

(See attached Affidavit of Andrew Meiszberg, which is attached hereto and made a part hereof by reference.)

☒ Continued on the attached sheet.



Andrew Meiszberg  
Special Agent  
Federal Bureau of Investigation  
Complainant

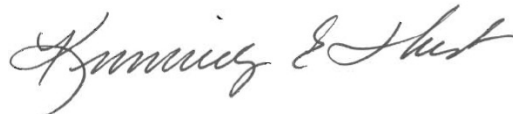
Sworn to before me and subscribed in my presence at: MUSKOGEE, OKLAHOMA

Date: July 28, 2022

KIMBERLY E. WEST

UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer



Signature of Judicial Officer



**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Special Agent Andrew Meiszberg, being duly sworn, depose and state that:

**INTRODUCTION**

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) where I have been employed since March 2019. I am an investigative officer, or law enforcement officer, of the United States of America within the meaning of Title 18, United States Code (U.S.C.), Section 2510(7), that is an officer of the United States who is empowered by law to conduct investigation of, make arrests for, offenses enumerated in Title 18. In the course of my duties as a Special Agent, I have investigated criminal violations related to Indian Country crimes, as explained in Title 18, United States Code (U.S.C.), 1151 and as it pertains to the Major Crimes Act (MCA). Further, I have investigated counter terrorism and child abuse crimes. Therefore, I, Andrew Meiszberg, the undersigned complainant, state that the following is true to the best of my knowledge and belief:

2. As a Federal Agent, I am authorized to investigate violations of the laws of the United States, and to execute warrants issued under the authority of the United States.

3. The statements contained in this Affidavit are based in part on information provided by other agencies, written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents; independent investigation; and my experience, training, and background as a Special Agent with the FBI. Because this Affidavit is being submitted for the limited purpose of establishing probable cause to believe that DAVID ALLEN MARTIN, committed the below-described offense, I have not included every detail of the

investigation. In addition, unless otherwise indicated, all statements contained in this Affidavit are summaries in substance and in part. The following is true to the best of my knowledge and belief.

4. As will be shown below, there is probable cause to believe that DAVID ALLEN MARTIN committed a violation of Title 18, United States Code, Sections 1151, 1153, and 2241 (Aggravated Sexual Abuse of a Minor), which occurred within the boundaries of the Muscogee (Creek) Nation and the Eastern District of Oklahoma.

#### **VENUE**

5. The facts and circumstances alleged in this affidavit occurred within the Eastern District of Oklahoma. More specifically, based on the Supreme Court decision in *McGirt v. Oklahoma* (2020), the below described location is within the geographic boundaries of the Muscogee (Creek) Nation, and therefore is within Indian Country.

#### **JURISDICTION**

6. The subject DAVID ALLEN MARTIN, hereinafter referred to as MARTIN, (DOB XX/XX/1977), is a member of the Cherokee Nation, a federally recognized Indian Tribe, possessing some degree of Indian blood. The victim in this case is Z.W. and is not a member of a federally recognized Indian tribe. The location of the offenses is within the territorial boundaries of Muscogee (Creek) Nation, and therefore is within Indian Country as defined in 18 U.S.C. Section 1151.

**PROBABLE CAUSE**

7. This affidavit is intended to show there is sufficient probable cause for a Complaint and does not set forth all my knowledge about this matter. This affidavit is made in support of a Complaint and Arrest Warrant for the crime in violation of Title 18, United States Code, Sections 1151, 1153, and 2241. In support of this request, I submit the following:

8. On or about 10/16/2021, Officer Autumn Chalakee with Muscogee Creek Nation Lighthouse was dispatched to a residence on West Ragan Street in Henryetta, Oklahoma. S.W. (DOB XX/XX/1998, non-native) told Officer Chalakee that her daughter Z.W. (DOB XX/XX/2014, non-native) was inappropriately touched by MARTIN. MARTIN was a resident of the home and had been living there for a few months with S.W. and her family. Z.W. told S.W. that approximately two days prior to the report, at the above residence, MARTIN tried to touch her private area. MARTIN used his hand two times to touch Z.W.'s private area and licked her private area with his tongue while she had clothes on.

9. On or about 01/10/2022, Z.W. was interviewed by Okmulgee Child/Adolescent Forensic Interviewer, Joanna Wheeler. After preliminary questioning, Z.W. was shown generalized drawings of a young boy and girl's anatomy. Z.W. did not have a word for the girl's chest area. Z.W. called the groin area "pee pee". Z.W. said that MARTIN used to live with her family. MARTIN touched Z.W. in his bedroom. Z.W. was lying down in MARTIN's bed with him. Z.W. was wearing a shirt, panties and pants. MARTIN touched her "down there". MARTIN pulled her pants over her butt and licked her "down there". MARTIN touched her once on her chest and more than once on her "pee pee". MARTIN did this five more times and told her not to tell anyone.

10. On 07/27/2022 at approximately 10:00 am, MARTIN was voluntarily interviewed by SA Arkadiusz Dabrowski and SA Andrew Meiszberg at his residence located on N Gary Avenue, Tulsa, Oklahoma. In sum and substance, MARTIN indicated that he cared for the children he used to live with at S.W.'s residence in Henryetta, Oklahoma. MARTIN said that the children, including Z.W., would often wrestle with him. The children would come in and out of his bedroom when they were playing. MARTIN would not close the door completely if children were in his room. On one occasion, MARTIN used his tongue to lick Z.W.'s vagina. Z.W. asked MARTIN to move his tongue faster. MARTIN stated that it was Z.W.'s idea for him to lick her vagina and she had removed her clothes on her own. MARTIN understood his behavior was wrong and expressed regret. MARTIN wrote, signed and dated a letter to Z.W. to apologize for his actions.

11. On 07/27/2022 at approximately 1:25 pm, FBI Special Agents placed MARTIN into custody where he is currently being held.

12. Based on a review of this case and based upon my knowledge and experience with violent crimes in Indian Country, I, as your Affiant have probable cause to believe DAVID ALLEN MARTIN committed the offense of Title 18, United States Code, Sections 1151, 1153, and 2241 (Aggravated Sexual Abuse of a Minor) which occurred within the boundaries of the Muscogee (Creek) Nation and the Eastern District of Oklahoma.

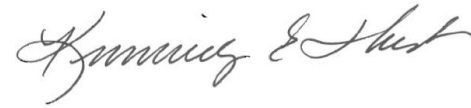
Respectfully Submitted,

A handwritten signature in black ink, reading "Andrew Meiszberg", written over a horizontal line.

Andrew Meiszberg, Special Agent

Federal Bureau of Investigation

Sworn before me this 28th day of July 2022

A handwritten signature in black ink, appearing to read "Kammy E. Hunt", written over a horizontal line.

UNITED STATE MAGISTRATE JUDGE  
EASTERN DISTRICT OF OKLAHOMA